

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: September 28, 2004

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Christopher Romeo, Allan Loiselle,
James Silva

ABSENT: Dini Healy-Coffin

OTHERS

PRESENT: Steve Ledoux-Town Manager; Norman Khumalo-Assistant
Town Manager, Audience Members

Open Forum

Road Closure – Richard Barrett, Highway Superintendent, announced the closure of the Brookside Road bridge for repairs. The bridge is scheduled to be closed the week of October 4th for a period of 3 to 6 weeks.

Abbot School Event – Romeo thanked Assistant Principal Strickland at the Abbot School for coordinating the “Celebrating Service in Our Schools and Community” event. Romeo and other town officials attended the event and spoke to the students.

Selectmen to Discuss Perchlorate Issue

Ledoux reported that for the past few weeks he has been meeting with various town departments for briefing sessions relative to the perchlorate issue. Ledoux also reported that at the last meeting, the group met with representatives from DEP and Comprehensive Environmental, Incorporated

(CEI). Ledoux suggested that the Board discuss the possibility of using CEI as a consultant to deal with the perchlorate issue in Westford.

Eileen Pannetier, Water Quality Specialist from CEI, provided the Board with a presentation as outlined in her status report dated September 27, 2004. Pannetier showed maps of N. Main Street, Beacon Street, the Cote Well, and the new highway garage; maps of the sample sites; maps of the blasting areas; and estimated geologic profile.

Pannetier reported that DEP has taken the position that the perchlorate contamination is regulated under the Massachusetts Contingency Plan (MCP) and the Bureau of Waste Site Cleanup (BWSC). Pannetier stated that according to Michael LeBlanc of the BWSC, all identified sources (including Westford) will receive a Notice-of-Responsibility (NOR) and will be named as a Potentially Responsible Party (PRP) making them responsible for the cleanup and associated costs. Pannetier stated that it is important for all relevant data regarding other PRPs be submitted to DEP early in the process so that other PRPs receive a NOR.

Pannetier outlined the cost estimates for the following:

Task 1 – Cost-Benefit Analysis of Alternatives to Address Homeowner with Perchlorate - \$3,800;

Task 2 – Evaluate Other Homes Susceptible to Contamination - \$4,800;

Task 3 – Removing Perchlorate Impacted Stormwater from Zone II - \$6,500;

Task 4 – Identify Source(s) of Surface Water Contamination - \$6,500;

Task 5 – Conduct Groundwater Investigations - \$17,000;

Task 6 – MCP Compliance – Immediate Response Action (IRA) Plan	\$3,000
Phase I and Tier Classification	7,500
Status Reports	3,000

The Board expressed dismay over the costs outlined by Pannetier. Jefferies asked if testing could determine the compounds of perchlorate. Pannetier stated that she would try to get an answer to Jefferies' question. Silva reported that today he spoke to Martin Serber, Regional Director of DEP, and was told that it is not definite Westford will be held a responsible party and that more testing is needed. Silva stated that DEP is aware that Tresca is a possible source of perchlorate. Romeo wanted information regarding the geothermal system being used at the Winchester home at 1 Emily Way. Silva stated that DEP told him that Mr. Winchester has agreed to stop using the system because it can spread perchlorate pollution.

Bob Shaffer, Rome Drive, explained that a geothermal system pulls water from the ground, puts it back in the ground and extracts heat.

Ledoux asked the Board for a discussion regarding whether they wanted to do a study; what components would be studied; and which components would be brought to Town Meeting for appropriation.

Silva further reported that Serber told him that they received results of testing from other homes and were able to follow a plume of perchlorate heading eastward toward the Stony Brook. The plume headed away from most residents except the Winchester property. Silva suggested inviting Serber to a future meeting for an update.

Ledoux suggested adding to the Capital requests at Special Town Meeting approximately \$30,000 for the Winchester well and approximately \$55,000 for Phase 2 - 4 Study.

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to amend Article 10 of the warrant to include as a Capital item \$31,000.00 to provide a water hookup to town water for Mr. Winchester at 1 Emily Way.

Romeo requested information from Warren Sweetser, Water Superintendent, for a more definitive amount to install the water line.

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to amend Article 10 of the Warrant to include as a Capital item \$55,000 for Tasks 2-1 through 4-1 as set forth in Table 1 of the estimated costs.

Romeo requested that Ledoux ask the Water Commissioners for a clarification of misstatements made in their minutes of September 7, 2004 which state that the Selectmen had refused to prohibit further blasting. Romeo noted that the Selectmen did not say that they refused to prohibit blasting.

Discussion of Siting of Proposed Senior Activity Center

Fred Magdalenski, Senior Center Wellness Committee, was present for the discussion. Magdalenski stated that the Committee had looked at the Lavelle property and found it to be inadequate for a senior center, senior affordable housing and outside recreation. Magdalenski stated that the Committee focused their attention on the Edwards property. Magdalenski reported that Gabe Bergeron will be presenting his proposal to the Boston Architectural Center on October 12, 2004. Magdalenski asked why the Senior Activity Center was being eliminated from the Edwards property. Jefferies pointed out that only Town Meeting can eliminate anyone from that property and only after the Selectmen declare it surplus. Magdalenski indicated that the Committee sent a letter to the Selectmen asking that the property be declared surplus. Magdalenski stated that he hoped the Senior Center would be located at the Edwards property. Jefferies asked Magdalenski to also consider the Lavelle property given the accessibility to trails and Conservation land.

Magdalenski announced that the next meeting of the Senior Wellness Committee would be held on Thursday, September 30, 2004, 2:30 p.m., at the Senior Center. Romeo invited the Committee to an Affordable Housing Committee meeting to discuss other properties and affordable housing. Romeo also suggested that the Committee talk to the various groups in town regarding other issues or plans.

Jefferies informed Magdalenski that there is a \$50,000 capital request on the Special Town Meeting Warrant for a feasibility study for the Senior Activity Center. Jefferies stated that the Town needs to study different sites and determine the best course of action.

Discussion on Implementation of land Acquisition Oversight Committee Recommendations

Continued to the October 12, 2004 meeting.

Discussion of Main Street Sidewalks

Tom Sullivan, 88 Main Street, requested that the Selectmen consider installing a sidewalk on Main Street. Sullivan stated that there are many children that walk along Main Street and that it is very dangerous due to the speeding cars, guardrails close to the road, and the steep drop on both sides of the road.

Richard Barrett, Highway Superintendent, reported that in 1999-2000 the Town established a Master Plan as a way to guide Land Use Committees and private developers when considering sidewalks or trails throughout the Town. Barrett stated that the Master Plan Committee identified missing segments of sidewalks; areas where neighborhoods could be connected; and looked at funding sources. Barrett noted that putting sidewalks on Main Street would be very costly due to the need for surveying, land acquisitions or private easements, drainage, curbing, and dealing with the considerable drop on both sides of the road. Barrett also noted that the sidewalk would have to meet ADA requirements.

Loiselle suggested looking at alternatives and mentioned a meandering unpaved sidewalk such as the one from Carlisle Center to Kimball's Ice Cream. Jefferies suggested determining how many of the residents who signed the petition would be willing to install a portion of the sidewalk on their property. Sullivan stated that many people were willing to give up some of their land. Sullivan suggested more of trail rather than a paved surface. Jefferies directed Sullivan to work with Barrett and Khumalo.

Presentation by Personnel Advisory Committee

Ledoux introduced the members of the Personnel Advisory Committee and thanked them for their hard work. Ledoux made a presentation of the Overall Objective; Charge; Process – Job Documentation; Process – Classification

Process; Process – Band Development; Needed Work; Implementation Impacts; Results; Possible Revisions – Positions that are Changing.

Romeo stated that he would like to see at Town Meeting the current pay for each position. Kathleen Smith, PAC, was concerned with showing the current pay for the position because someone might try to vote out a position if they feel it is too high. Smith suggested providing data regarding midpoint, above and below rather than actual. Romeo wanted the information ready in case someone makes an inquiry.

Ledoux and PAC will make the presentation at Town Meeting.

Selectmen to Sign Special Town Meeting Warrant and Commence Taking Positions on Warrant Articles

Ellen Harde, Town Moderator, presented a draft mailing to the Board prepared by the League of Women Voters regarding the Special Town Meeting. Harde asked the Board to review the mailing and to provide any changes to the League by Friday, October 1st. Ledoux reported that the motions are incomplete at this point and suggested taking positions at the next meeting. The Board concurred. When the motions are ready Ledoux will e-mail them to the Board. Ledoux asked the Board to consider removing Article 19 regarding the Abbot Mill Easements. Ledoux reported that Town was unable to obtain the easement language from Chris Yule. Khumalo stated that Ted Carman feels that it is appropriate to move this article to Spring Town Meeting.

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to remove former Article 19 from the Warrant.

Ledoux asked the Board if they wanted to re-open the Warrant for 52 Beaver Brook Road. Ledoux reported that the redemption has now moved to Land Court. Ledoux recommended transferring the care and custody of 52 Beaver Brook Road to the Housing Authority at the Special Town Meeting which sends a message to Land Court that the Town intends to use the parcel. The Board concurred.

It was moved by Romeo, seconded by Silva for discussion, to re-open the Warrant.

Loiselle was concerned with re-opening the Warrant when the Board seemed to adamant about keeping to the timeline. Jefferies noted that this item meets the Special Town Meeting criteria. Romeo stated that it would be most prudent to have the Town's best case forward in Land Court.

VOTE on Romeo's Motion: 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin).

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to add 52 Beaver Brook Road to the Special Town Meeting Warrant as Article 22.

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to close the Warrant.

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to sign the Warrant.

Selectmen to Discuss Letter of Support on Bruce Freeman Bike Path

Beverly Woods, Northern Middlesex Council of Governments (NMCOG), stated that she was contacted by the Town of Acton regarding the future extension of the Bruce Freeman Bike Path. The Town of Acton intends to apply for CPA and enhancement funding to complete the next phase of the path. This phase includes a small segment in Westford from the intersection of Routes 225 and 27 to the Acton Line. Woods stated that the Town of Acton would like a letter of support from Westford regarding their application.

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to send a letter of general support for the concept of extending the Bruce Freeman Bike Path through the Town of Westford.

Hiring Freeze Waiver Request – Town Engineer

Khumalo reported that the Town Engineer submitted his resignation two weeks ago and the Assistant Town Engineer also recently submitted his resignation. Khumalo stated that the Town Engineer is an important position as it lends support to the Planning Board, Conservation Commission, and Water and Highway Departments. Khumalo suggested hiring the new Town Engineer and then moving forward with the Assistant Town Engineer position.

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to lift the hiring freeze for the Town Engineer position.

Jefferies asked Khumalo to provide letters to the Permanent School Building Committee that the Town Engineer had put together for the Crisafulli and Rita Miller Schools regarding what is being commissioned.

Licenses, Permits and Reappointments

Change of Manager – Applebee’s Restaurant – Ledoux reported that the Police Chief did not recommend the change in manager due to the CORI report. The application has been withdrawn.

Banner Request – Boy Scout Troop 159 Winter Sporting Goods Sales, November 6, 2004. It was moved by Loiselle, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve.

Banner Request – Westford Women’s Club Art Auction, October 29, 2004. Jefferies was opposed to the banner because it advertised Coca Cola. **It was moved by Loiselle, seconded by Silva, and VOTED 3 IN FAVOR WITH 1 OPPOSED (Romeo) and 1 ABSENT (Healy-Coffin), to deny the request.** Jefferies stated that if the banner is not advertising for Coca Cola the Westford Women’s Club can come back to the Board with another request. Loiselle recommended putting in the Board’s policy that the Board will not accept banners with commercial advertising.

Jefferies asked Ledoux to check with the League of Women Voters regarding putting up a banner for the upcoming election.

All Alcohol License – Westford Friends of Lacrosse Fundraising Auction, October 2, 2004, Franco-American Club – The Board put a time limit of 12:00 a.m. on the license. **It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve with an end time of 12:00 a.m.**

Stepinski Land Acquisition Committee (SLANC) Reappointments – Bob Shaffer, Committee Member, clarified that the committee name is Stepinski Land Acquisition Negotiating Team (SLANT). The Board tabled the reappointments until the full board is present.

Election Officer Appointments – Request received from the Town Clerk. **It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to appoint Barbara E. Brewer, Emma S. Cunningham, Judy E. Daly, Erica S. Davidson, Cecile Demers-Gauthier, Kathy Deschenes, Davida P. Gilmore, Jerold P. Gilmore, Lynette Hartwig, and Mary Eve Miller as Election Officers.**

Franklin Property

No report at this time.

Minutes

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the Executive Session minutes of August 3, 2004 but NOT release to the public.

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of August 10, 2004 (regular session).

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the Executive Session minutes of August 10, 2004 but NOT release to the public.

It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of August 17, 2004 (regular session).

It was moved by Loiselle, seconded by Silva, and VOTED 2 IN FAVOR WITH 2 ABSTAINING (Romeo, Jefferies) and 1 ABSENT (Healy-Coffin), to approve the minutes of August 24, 2004.

Old Business/New Business

Condo Trash Pickup – Ledoux stated that he is still researching the issue. Bob Shaffer, Planning Board, suggested that the tapes of the Planning Board be reviewed. Shaffer recalled that the Villages at Stone Ridge development was presented as private trash pickup. Jefferies asked that the Hitchin' Post Greens development also be reviewed.

Sale of Town Property – Ledoux stated that he will provide an update at the next meeting.

Correspondence

Jefferies read the list of correspondence.

9.15 Letter from Comcast – Public Record Request. Romeo noted that the Comcast lawyers should be communicating directly with CAC's lawyer. Silva reported that the lawyers for Comcast are trying to rush the Town through the administrative proceedings. Silva also reported that Attorney Peter Epstein (CAC's counsel) indicated that the issuing authority (Westford) sets the pace for the proceedings. Silva stated that Epstein is attending to Comcast's lawyers. Silva stated that a meeting has been scheduled for Wednesday, September 29, 2004 to try to come to a final agreement. Silva was fairly optimistic that a final agreement will be reached.

9.16 Letter from the Water Department re: Permanent Town Building Report. Jefferies asked Ledoux to send a letter to the Water Department informing them that this is not our understanding at all.

Motion to Go Into Executive Session

The Board voted at 10:20 p.m. to go into executive session for the purpose of discussing real estate negotiations. The Board to reconvene to regular session at the end of executive session for the purpose of adjourning. A polling of the Board: Jefferies-yes; Romeo-yes; Loiselle-yes; Silva-yes; Healy-Coffin-absent.

Reconvene to Regular Session

The Board reconvened to regular session at 10:40 p.m.

Open Items

9/28/-1 Ledoux to ask Sweetser for additional information regarding the cost to install a water line.

9/28-2 Ledoux to ask the Water Commissioners for a clarification of their 9/7/04 minutes which state that the Selectmen refused to prohibit further blasting.

8/28-3 Board to discuss implementation of Land Acquisition Oversight Committee recommendations at 10/12/04 meeting.

8/28-4 Board to send letter to Acton of general support of concept for extending the Bruce Freeman Bike Path through Westford.

8/28-5 Khumalo to provide letters to the PSBC from the Town Engineer re: what is being commissioned for the Crisafulli and Rita Miller Schools.

8/28-6 Ledoux to put in Board's policy that banners with commercial advertising will not be approved.

8/28-7 Ledoux to check with League of Women Voters re: banner advertising election.

8/28-8 The Board to reappointment members of Stepinski Land Acquisition Negotiating Team when full Board is present.

8/28-9 Ledoux to update the Board on 10/12/04 re: sale of town property.

8/28-10 Ledoux to send letter to Water Dept. re: their letter re: Permanent Town Building Committee Report (corr. 9/16) informing them that this is not our understanding at all.

Adjournment

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to adjourn the meeting at 10:40 p.m.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman